

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID NORTH,

Plaintiff,

v.

BRIAN KOHEN, *et al.*,

Defendants.

Case No. 2:19-cv-01428-RFB-VCF

ORDER

I. DISCUSSION

On September 28, 2020, this Court entered a screening order dismissing the second amended complaint in its entirety without prejudice but without leave to amend in this Court. (ECF No. 13 at 8). The Court directed Plaintiff to file his state tort action in state court. (*Id.* at 7). Plaintiff now files a motion for reconsideration. (ECF No. 16).

A motion to reconsider must set forth “some valid reason why the court should reconsider its prior decision” and set “forth facts or law of a strongly convincing nature to persuade the court to reverse its prior decision.” *Frasure v. United States*, 256 F.Supp.2d 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court “(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *Sch. Dist. No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). “A motion for reconsideration is not an avenue to re-litigate the same issues and arguments upon which the court already has ruled.” *Brown v. Kinross Gold, U.S.A.*, 378 F.Supp.2d 1280, 1288 (D. Nev. 2005).

The Court has reviewed Plaintiff’s motion for reconsideration and finds that it did not commit clear error in its initial decision. Plaintiff’s motion for reconsideration presents law that is not applicable to Plaintiff’s case. (See ECF No. 16). As such, the Court denies the motion for reconsideration.

1 Plaintiff also files a motion for the original version of the declaration filed at ECF
2 No. 7. (ECF No. 17). Plaintiff states that he accidentally filed that document in the wrong
3 case. (*Id.*) The Court grants the motion in part. The Court cannot send Plaintiff the
4 original document, but it will send him a copy.

5 **II. CONCLUSION**

6 It is therefore ordered that the motion for reconsideration (ECF No. 16) is denied.

7 It is further ordered that the motion to obtain original document (ECF No. 17) is
8 granted in part. The Clerk of the Court will send Plaintiff a copy of his declaration (ECF
9 No. 7).

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11 DATED THIS 16th day of January 2021.

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14 RICHARD F. BOULWARE, II
15 UNITED STATES DISTRICT JUDGE
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